

**Notice of Allowability**

Application No.

10/771,555

Examiner

Andrea M. Valenti

Applicant(s)

RUTLEDGE, JERRY DONALD

Art Unit

3643

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--**

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to 18 December 2004.
2. ☒ The allowed claim(s) is/are 2-8 and 17-21.
3. ☐ The drawings filed on \_\_\_\_\_ are accepted by the Examiner.
4. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) ☐ All    b) ☐ Some\*    c) ☐ None    of the:
    1. ☐ Certified copies of the priority documents have been received.
    2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
    3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\* Certified copies not received: \_\_\_\_\_.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.  
**THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

5. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
6. ☒ CORRECTED DRAWINGS ( as "replacement sheets") must be submitted.
  - (a) ☒ including changes required by the Notice of Draftsperson's Patent Drawing Review ( PTO-948) attached
    - 1) ☒ hereto or 2) ☐ to Paper No./Mail Date \_\_\_\_\_.
  - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date \_\_\_\_\_.

Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
7. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

**Attachment(s)**

1. ☒ Notice of References Cited (PTO-892)
2. ☒ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☒ Information Disclosure Statements (PTO-1449 or PTO/SB/08),  
Paper No./Mail Date \_\_\_\_\_
4. ☐ Examiner's Comment Regarding Requirement for Deposit  
of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☒ Interview Summary (PTO-413),  
Paper No./Mail Date \_\_\_\_\_
7. ☒ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other \_\_\_\_\_

### EXAMINER'S AMENDMENT

An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it **MUST** be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Laurence P. Colton on 3 March 2005.

The application has been amended as follows:

**Claim 2**, section b, first line, "a shape molded" was changed to --said vertical chute having a shape molded--

**Claim 2**, section d, line three, "dispenser; and" was changed to --dispenser;--

**Claim 2**, section e, line three, "chamber," was changed to --chamber;--

**Claim 2**, section d, first line, "magazine for use" was changed to --magazine used--

**Claim 2**, the following section was added after section e, --f) stop tabs on the bottom end of the magazine for preventing more than one of the dog biscuits from being dispensed at a time;--

**Claims 9, 10, 11, 12, 13, 14, 15, and 16** were cancelled

**Claim 17**, section b, first line, "a shape molded" was changed to --said vertical chute having a shape molded--

**Claim 17**, section d, first line, "magazine for use" was changed to --magazine used--

**Claim 17**, section f, first line, "stop tabs for preventing" was changed to --stop tabs on the bottom end of the magazine for preventing--

**Specification, page 10**, line 10, "and showing use with a loaded magazine. Rear interior" was changed to --and showing use with a loaded magazine. The magazine has a vertical chute that is a shape molded to conform around a shape of the dog biscuits to keep the dog biscuits in a vertical position. Rear interior--

***Allowable Subject Matter***

Claims 2-8 and 17-21 are allowed.

The following is an examiner's statement of reasons for allowance:

Cited references U.S. Patent No. 811,396; U.S. Patent No. 1,746,501; U.S. Patent No. 2,791,201; U.S. Patent No. 3,161,321; U.S. Patent No. 406,593; U.S. Patent No. 4,984,709; U.S. Patent No. 6,349,671; U.S. Patent No. 5,078,097; U.S. Patent No. 4,889,077; U.S. Patent No. 4,823,738; and German Patent DE 3500348 A1 teach dispensers for dog food and dog treats/bones/biscuits and dispensers with a magazine and spindle chamber combination. The prior art of record all fails to show and fails to make obvious, either alone and/or in combination a magazine for the storing and dispensing of dog biscuits comprising a vertical chute having a right and left side walls for storage of the dog biscuits in a uniform and orderly manner and for mating with a spindle chamber of a dispenser for dispensing of the dog biscuits; said vertical chute having a shape molded to conform around a shape of the dog biscuits to keep the dog biscuits in a vertical position; a handle mounted at a top end of the magazine for loading of the magazine into the dispenser; a hook on a lip at the top end of the magazine used

in conjunction with a slot opening at a bottom end of the magazine for mounting the magazine in the dispenser; and located at the bottom end of the magazine on the right and left side walls is a curved out section for mating up with the side walls of the spindle chamber wherein the magazine is retained within the dispenser such that a dog biscuit falls into the spindle chamber and the spindle chamber is rotated to dispense the dog biscuit, further comprising stop tabs on the bottom end of the magazine for preventing more than one of the dog biscuits from being dispensed at a time.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Andrea M. Valenti whose telephone number is 703-305-3010. The examiner can normally be reached on 7:30am-5pm M-F; Alternating Fridays Off.

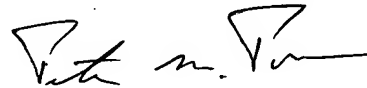
If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Peter M. Poon can be reached on 703-308-2574. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Andrea M. Valenti  
Patent Examiner  
Art Unit 3643



Peter M. Poon  
Supervisory Patent Examiner  
Technology Center 3600

03 March 2005